

APPEAL NO. 031321  
FILED JULY 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 28, 2003. The parties entered into an agreement to reduce the amount of attorney fees from the amount previously awarded. The hearing officer issued a decision after the hearing in which she decided two prior orders on attorney's fees, one that had been entered on February 13, 2003, (order 1 herein), and the other that had been entered on February 26, 2003, (order 2 herein) were superseded by the order of the hearing officer. In her decision, the hearing officer stated that these attorney fees awards were excessive and awarded attorney fees pursuant to the agreement of the parties. The appellant (attorney herein) files a request for review challenging the use of term "excessive" by the hearing officer. No response was filed from either respondent 1 (claimant herein) or respondent 2 (carrier herein).

DECISION

Affirmed as reformed.

The attorney argues that the parties entered into an agreement on the record, which resolved the issue before the hearing officer, but which did not provide a basis for the hearing officer to make a determination that the fees awarded earlier were excessive. We agree with the attorney that there is nothing in the record to support a determination that the attorney fees originally awarded were excessive. We, therefore, reform the decision of the hearing officer by striking the following language from the decision of the hearing officer:

The attorney fees awarded were excessive.

We substitute instead the following language for the language stricken:

The parties agreed to reduce the amount of attorney fees from the amount awarded.

As reformed, we affirm the decision and order of the hearing officer.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Margaret L. Turner  
Appeals Judge